
**State Government Operations &
Accountability Committee**

HB 1604

Brief Description: Revising various election laws.

Sponsors: Representatives O'Brien, Lovick, Ericks, Simpson and Hasegawa.

Brief Summary of Bill

- Changes the date of the primary election to the first Tuesday in June;
- Revises the period of time that a state official or state legislator may solicit or accept contributions;
- Requires a single, uniform voting system for the entire state;
- Requires provisional ballots to be a different color than standard or absentee ballots;
- Stipulates that absentee ballots must be received by 8 p.m. on the day of the election; and
- Adopts procedures for canvassing the vote.

Hearing Date: 2/8/05

Staff: Marsha Reilly (786-7135).

Background:

Primary

The state primary election is held either the third Tuesday in September or the seventh Tuesday before the general election, whichever is earlier. The date of the primary affects other election related activities, including dates for filing periods and dates of nominating conventions.

Declarations of candidacy are filed the week starting the fourth Monday in July. Minor party and independent candidate nominating conventions are held between the last Saturday in June and the first Saturday in July.

Soliciting or Accepting Contributions

A state official, and persons employed by or acting on behalf of a state official, may not solicit or accept contributions to a public office fund, an authorized committee, or to retire a campaign debt

during certain periods associated with legislative sessions. These periods include 30 days prior to a regular session, a regular session, 30 days after a regular session, and any special session.

Voting Systems Certification and Standards

Voting equipment and vote tallying equipment must be approved by the Secretary of State (Secretary) in order to be used by county auditors to conduct elections. The Secretary inspects, evaluates, and publicly tests all voting equipment, makes a report following each examination, and provides a copy of the report to each county auditor. Any change that does not impair the equipment's accuracy, efficiency or capacity, or extend its function, may be made without another examination or approval.

Each polling location must have at least one voting unit that provides access to individuals who are blind or visually impaired.

Provisional Ballots

A voter whose registration is inactive and who wishes to vote must be given a provisional ballot. The ballot is placed in a security envelope, and the security envelope placed in a provisional ballot envelope. The reasons for using the provisional ballot are noted. If the auditor finds that the cancellation was made in error, the provisional ballot is counted.

Absentee Ballots

A county auditor is required to mail absentee ballots at least 18 days before the election, earlier for ballots to overseas and service voters if possible. In order to be counted, absentee ballots must be returned on or before the close of the polls on the day of the election; or the outer return envelope post marked on or before the day of the election and the ballot received by the county auditor prior to the certification of the election results. If the post mark is not legible, or an overseas or service voter casts the ballot, the date on the outer return envelope when the voter attests to have cast the ballot must be on or before the date of the primary or election for which the ballot was issued.

Canvassing the Vote

WAC details procedures regarding inspection, enhancement, and counting the vote.

All ballots are manually inspected to determine if they are physically damaged or contain marks or punches that differ from those specified in the voting instructions and which might not be correctly counted by the tabulating equipment. If the voter's intent is clear, the ballot may be duplicated, if authorized, referred to the county canvassing board, or enhanced if enhancement can be accomplished without obscuring the original marks. If two or more corners are detached on a punch card ballot, the chad must be removed. Ballots must be duplicated and enhanced by teams of two or more people working together.

If a voter returns voting responses by mail on a form other than the ballot sent, the votes on it are acceptable and tallied as long as the voter votes for offices or measures for which he or she is authorized, a ballot was not voted and returned, and a valid signature is on file with the county auditor.

A log must be kept of all enhanced and duplicated ballots and a unique control number assigned and marked on the face of the enhanced or duplicated ballot. The log must be initialed by at least two people who participated in enhancing the ballot.

The county auditor, prosecuting attorney, and chair of the county legislative authority are responsible for the performance of the all duties of the county canvassing board (board). All activities of the board are open to the public, but the board may limit the number of observers to preserve order and safeguard the integrity of the process.

After the election and before the official canvass, the county auditor prepares a preliminary abstract of votes. The abstract contains the number of registered voters and votes cast listed separately by absentee and votes cast at the polls, votes cast for and against measures, votes cast for candidates, overvotes and undervotes, and by precinct.

Absentee ballots are processed at least every third day after the election and before certification of the results. The board examines each absentee ballot and determines if the ballot is to be counted. Additional assistance may be employed to assist the board with this effort. If a signature on an absentee ballot does not match that of the voter, the board directs the auditor to refer the matter to the prosecuting attorney.

The board verifies that the individual precinct and absentee ballot totals are included in the auditor's abstract of votes and the totals are accurate reflection. The board must investigate errors and discrepancies and take corrective action, including changing or modifying the auditor's abstract of votes. Upon completion and verification of the abstract of votes, the board certifies the result. The report may not be amended or altered except in the event of a recount. No later than the next business day after certification of the returns, the county auditor sends a certified copy of the abstract of votes to the Secretary of State (Secretary). A narrative documenting errors and discrepancies and corrective action is also transmitted, if applicable.

Summary of Bill:

The date of the primary is changed to the first Tuesday in June preceding the general election. Declarations of candidacy are filed no earlier than the fourth Monday in April preceding the primary.

The dates that state officials may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt are change to the following periods:

- Beginning December 24th before a legislative session convenes in an even numbered year and continuing through the date of adjournment of that session; and
- Beginning December 24th before a legislative session convenes in an odd numbered year in which a special election shall occur and continuing through the sixtieth day of that session.

The Secretary must select a single, universal form of voting system that must be used in all counties. The Secretary shall adopt rules and establish a process for selection of the voting system. The voting device selected by the Secretary must give to the voter a printed receipt that reflects the votes cast by the voter and must be accessible to individuals with disabilities, including nonvisual accessibility for the blind and visually impaired.

Provisional ballots must be a different color than standard and absentee ballots.

Absentee ballots must be received by the appropriate county auditor no later than 8 p.m. on the day of the election for which the ballot was issued, even if the ballot was mailed.

Procedures contained in the WAC regarding canvassing the vote are codified in RCW.

Appropriation: None.

Fiscal Note: Requested on February 6, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed; except Section 10 which takes effect January 1, 2006.